

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

ANTHONY W. SCHAFER and DIANE SCHAFER,

Plaintiffs,

v.

Civil Action No. 5:07CV16
(STAMP)

OLD DOMINION FREIGHT LINE, INC.
a North Carolina corporation,

Defendant and
Third-Party Plaintiff,

v.

NORA KUGLER and MOTORWERKS, INC.

Third-Party Defendants.

ORDER GRANTING DEFENDANT'S MOTION TO VACATE MEDIATION

On December 26, 2007, the defendant filed a motion requesting an order vacating the mediation of this action currently scheduled for January 22, 2008, or, in the alternative, permitting attendance of the defendant's representative at the mediation by telephone. In support of its motion, the defendant argues, among other things, that the mediation as scheduled should be vacated because the plaintiffs have not yet retained substitute counsel. On December 17, 2007, this Court granted the motion of plaintiffs' counsel to withdraw from representation in this matter. Under the terms of that order, the plaintiffs have 60 days from the entry of the order to notify this Court of their retention of new counsel. Because the 60-day period has not yet expired, and because no new counsel has noted an appearance on behalf of the plaintiffs, the defendant's motion to vacate mediation is GRANTED. The mediation

in this action is hereby CONTINUED GENERALLY. This Court will consider when and if rescheduling mediation is desirable after the plaintiffs either retain counsel or the 60 day period for doing so expires.

IT IS SO ORDERED.

The Clerk is directed to transmit a copy of this order to counsel of record herein and to United States Magistrate Judge James E. Seibert.

DATED: January 15, 2008

/s/ Frederick P. Stamp, Jr.
FREDERICK P. STAMP, JR.
UNITED STATES DISTRICT JUDGE